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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**SCO'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON  
SCO'S THIRD CAUSE OF  
ACTION, FOR BREACH OF  
CONTRACT**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

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Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. ("SCO"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and for the reasons set forth in the Memorandum in Support of SCO's Motion For Partial Summary Judgment on SCO's Third Cause of Action, For Breach

of Contract, respectfully moves this Court to enter summary judgment for SCO on its Third Cause of Action.

DATED this 25th day of September, 2006.

HATCH, JAMES & DODGE, P.C.  
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By: /s/ Brent O. Hatch

*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing SCO's Motion For Summary Judgment On IBM's Sixth, Seventh and Eighth Counterclaims was served on Defendant/Counterclaim-Plaintiff International Business Machines Corporation on the 25th day of September, 2006 by the Court's CM/ECF system or by U.S. Mail to:

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